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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,106	08/05/2003	Jerome Turk	2998-5328.1US	3829

26986 7590 01/11/2007  
MORRISS O'BRYANT COMPAGNI, P.C.  
136 SOUTH MAIN STREET  
SUITE 700  
SALT LAKE CITY, UT 84101

EXAMINER
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LANEAU, RONALD

ART UNIT	PAPER NUMBER
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3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/11/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/635,106	<b>Applicant(s)</b> TURK, JEROME	
	<b>Examiner</b> Ronald Laneau	<b>Art Unit</b> 3714	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 August 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>08052003</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In this case, the independent claims at least do not have a computer implementation performing all the steps of the method claims. Therefore, claims 1-22 are rejected under 35 USC § 101.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Yacenda (US 2004/0014514 A1).

As per claims 1, 14, Yacenda discloses a method of conducting a gaming activity, comprising: providing at least one player an opportunity to participate in a gaming activity (page 8, [0088]), said opportunity comprising providing said at least one player with an opportunity to select an outcome of a separate event (page 2, [0017], and page 3, [0024]; qualifying said at least

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one player that selects a winning outcome in said separate event for participation in a first random drawing (page 10, [0103], [0106]); and determining at least one first winner in said first random drawing (pages 10-11, [0108]).

As per claims 2, 4, 15, Yacenda discloses a method further comprising: qualifying said at least one first winner in said first random drawing for participation in a second random drawing; and determining at least one second winner in said second random drawing (plurality of random drawings are done and a winner is selected for each drawing).

As per claim 3, Yacenda discloses a method wherein said opportunity to participate in said gaming activity further comprises requiring said at least one player to register to participate in said gaming activity (page 4, [0058]).

As per claims 5, 6, 16, 17, 31 Yacenda discloses a method wherein said opportunity to participate in said gaming activity further comprises: providing said at least one player an opportunity to select a participant to win a league championship; responsive to an outcome of said league championship, qualifying said at least one player that selected a winning participant in said league championship for participation in a third random drawing; and determining a winner of said third random drawing (winning players are allowed to participate in a championship wherein a winner will be declared in a random drawing).

As per claims 7, 8, 18-21, Yacenda discloses a method wherein providing said at least one player said opportunity to select said outcome of said separate event comprises: distributing at least one entry ticket to said at least one player; providing at least one drum; and allowing said at least one player to select said outcome by depositing said at least one entry ticket in said at least one drum. (page 2, [0017] – [0018]).

As per claims 9-13, 22-25, 27, 28, Yacenda discloses a method wherein providing said at least one player said opportunity to select said outcome comprises allowing said at least one player to select at least one team participating in a sporting event (inherent feature); further comprising awarding a first prizes to said at least one first winner in said first random drawing (first random drawing and a first winner is selected); further comprising awarding a second prize to said at least one second winner in said second random drawing (second random drawing and a second winner is selected); further comprising awarding a third prize to said at least one third winner in said third random drawing (third random drawing and a third winner is selected); further comprising conducting said gaming activity in conjunction with a business enterprise Lottery Enterprize).

As per claims 29, 30 and 32, Yacenda discloses a system further comprises a members club (subscriber); further comprises at least one gaming device configured to conduct a casino game (page 4, [0057]); wherein said identification means comprises an input device of said computer system (see abs.) input

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Nelson et al (US 2002/0004424 A1) disclose a method, apparatus, and system for an electronically distributed game of skill.
- Reiss et al (US 6,656,042 B2) disclose an interactive fantasy lottery.
- Tracy et al (US 6,416,408 B2) disclose a method of playing a group participation game.

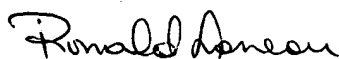
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- Khayat et al (US 2005/0130734 A1) disclose a method and system for operating a random drawing game.
- Lieberman (US 5,855,369) discloses an equipment for and methods of conducting a prize drawing game of chance.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (571) 272-6784. The examiner can normally be reached on 7:30 - 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ronald Laneau  
Primary Examiner  
Art Unit 3714

11/5/07